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Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 23rd April, 1998/Vaisakha 3, 1920 (Saka)

THE MERCHANT SHIPPING (AMENDMENT) ORDINANCE, 1998

No. 7 OF 1998

Promulgated by the President in the Forty-ninth Year of the
Republic of India.

An Ordinance further to amend the Merchant Shipping Act, 1958.

WHEREAS the Merchant Shipping (Amendment) Ordinance, 1997 to further amend the Merchant Shipping Act, 1958 was promulgated by the President on the 26th day of September, 1997;

AND WHEREAS the Merchant Shipping (Amendment) Ordinance, 1997 could not be replaced by an Act of Parliament due to the dissolution of the House of the People;

AND WHEREAS for giving continued effect to the provisions of the said Ordinance, the Merchant Shipping (Amendment) Second Ordinance, 1997 was promulgated by the President on the 25th day of December, 1997;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give continued effect to the provisions of the Merchant Shipping (Amendment) Second Ordinance, 1997;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Merchant Shipping (Amendment) Ordinance, 1998.

(2) It shall be deemed to have come into force on the 26th day of September, 1997.

Short title and
commence-
ment

Amendment of
section 89

2. In section 89 of the Merchant Shipping Act, 1958 (hereinafter referred to as the principal Act), after clause (d), the following clause shall be inserted, namely:—

44 of 1958.

“(dd) to transmit the complaint of any dispute of a foreign seaman of a vessel, registered in a country other than India, in Indian territorial waters, with the master, owner or agent, to the competent authority of the country of registration and a copy of such complaint shall be forwarded to the Director General, International Labour Organisation office;”

Amendment of
section 132.

3. In section 132 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A). Any complaint of dispute, received by the Shipping master from an Indian seaman, on a vessel registered in a country other than India in Indian territorial waters, with the master, owner or agent.”

Insertion of
new section
138A

4. After section 138 of the principal Act, the following section shall be inserted, namely:—

Working hours
of seamen.

“138A. The ordinary hours of work for all seamen shall not exceed forty-eight hours in a week.”

Amendment of
section 369.

5. In section 369 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The Central Government shall on receipt of the investigation report from the court, cause it to be published in the Official Gazette.”

Amendment of
section 436.

6. In section 436 of the principal Act, in sub-section (2), in the table, after Serial Number 42 and the entries relating thereto, the following shall be inserted, namely:—

1	2	3	4
“42A	If the master or owner contravenes the provisions of section 138A.	138A	Fine which may extend to double the average wages per hour payable to the seaman for working beyond forty-eight hours.”

Repeal and
saving.

7. (1) The Merchant Shipping (Amendment) Second Ordinance, 1997, is hereby repealed.

Ord 27 of
1997.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Ordinance.

K. R. NARAYANAN,
President.

RAGHBIR SINGH,
Secy. to the Govt. of India.